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DEPARTMENT OF COMMUNITY AFFAIRS

STATE PLANNING COMMISSION

State Planning Rules

**Proposed Readoption and Recodification with Amendements: N.J.A.C. 17:32 as
5:85**

Authorized By: State Planning Commission, Timothy J. Touhey, Chairman

.Authority: N.J.S.A. 52:18A-203.

Proposal Number: PRN 2003-29

Calendar: See Summary below for explanation of exception to calendar requirements

Submit written comments by April 21, 2003 to:

Timothy J. Touhey, Chairman

State Planning Commission

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Timothy J. Touhey, Chairman, State Planning Commission

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The agency proposal follows:

Summary

Pursuant to N.J.S.A 52:14B – 5.1c, N.J.A.C. 17:32 expires on August 3, 2003. As required by Executive Order, No. 66 (1978), the State Planning Commission (Commission) has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Commission proposes to readopt these rules with amendments. The chapter is proposed to be recodified as N.J.A.C. 5:85 in order to reflect the transfer of the Commission and the Office of State Planning from the Department of Treasury to the Department of Community Affairs, pursuant to Reorganization Plan No. 002-1998 (see 30 N.J.R. 1347(a)).

The State Planning Act of 1985, N.J.S.A. 52:18A-196 et seq., created a State Planning Commission and an Office of State Planning in the Department of the Treasury for the purposes of establishing a cooperative planning process that would result in the preparation and adoption of a State Development and Redevelopment Plan. That process, known as “cross-acceptance,” was to involve the full participation of State, county, and local governments. According to the State Planning Act, New Jersey needs integrated and coordinated planning in order to conserve its natural resources, to revitalize its urban centers, to provide affordable housing and adequate public facilities at a reasonable cost,

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to promote equal social and economic opportunity for New Jersey's citizens, and to prevent sprawl and promote the suitable use of land.

Subsequent to the enactment of the State Planning Act, the Commission promulgated the State Planning Rules, N.J.A.C. 17:32, to carry out the cross-acceptance process. The Commission adopted subchapters 1 through 3, effective March 21, 1988, to establish procedures for the preparation of a "preliminary" State Development and Redevelopment Plan, and for "cross-accepting" that preliminary plan with State agencies, counties and municipalities. Those rules also included guidelines for the preparation of cross-acceptance reports by counties and municipalities.

The Commission received a petition for rulemaking dated November 20, 1989, from the law firm of Hutt and Berkow, on behalf of the New Jersey Builders Association, which requested better definition of certain aspects of the cross-acceptance process which was now evolving into three distinct phases: comparison, negotiation and issue resolution. In response, the Commission adopted amendments to the State Planning Rules, effective July 2, 1990, further clarifying subchapter 3 which was retitled "Procedures for Conducting the Comparison Phase of Cross-acceptance," and added subchapter 4, establishing the procedures for conducting the negotiating phase. Effective September 3, 1991, the Commission further amended the rules with the addition of subchapter 5, establishing the procedures for conducting the issue resolution phase of cross-acceptance. The latter amendments also incorporated certain time frames and public hearings relevant to an impact assessment of an "interim" State Development and

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Redevelopment Plan that was required by P.L. 1989, c.332, which amended the State Planning Act on January 12, 1990.

Following the completion of cross-acceptance as outlined in subchapters 1 through 5, the Commission adopted the State Development and Redevelopment Plan on June 12, 1992. The State Planning Act anticipates that municipal and county master plans and State agency functional plans will be drawn to be consistent with the State Plan. Administrative rules, codes, ordinances, regulations and other devices designed to implement master and functional plans should then be drawn to be consistent with the respective master, or functional, plan(s) of the governing bod(ies), or agency(ies), promulgating such rules, codes, etc. In order to accommodate these review and revision processes, the Commission again amended the State Planning Rules with the addition of subchapters 6, 7 and 8, effective June 15, 1992. These amendments had the following state purposes:

1. To provide governments, organizations and individuals an opportunity to petition for clarification on the meaning, intent and applicability of specific provisions of the State Plan, through “letters of clarification”;
2. To provide a process whereby governments and governmental agencies can petition for “reviews for consistency” between their plans and the State Plan, thereby furthering the goal of the State Planning Act relative to the coordination and integration of planning Statewide; and

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3. To provide a process whereby governments, organizations and individuals may petition to amend the Resource Planning and Management Map (RPMM) of the State Plan to ensure that it is maintained up-to-date between its triennial reviews and revisions and the help ensure effective and efficient implementation of the State Plan.

Pursuant to Executive Order No. 66 (1978), the original promulgation of these rules was to expire on March 21, 1993. The Commission readopted the rules in their entirety without change effective March 19, 1993. The Commission received one comment related to the adoption which requested a clarification of the concept of consistency and a simplification of the administrative process for consistency review. In response, the Commission revised subchapter 7, effective July 19, 1993.

The State Planning Act requires that the State Plan be revised and readopted every three years following its original adoption. In preparation for the first such revision and readoption, the Commission, drawing on its experience with the first round of cross-acceptance, made substantial revisions to subchapters 1 through 5 which govern the cross-acceptance process and readopted subchapters 6 through 8. Those amendments, which became effective January 6, 1997, updated and streamlined the process.

Pursuant to Executive Order No. 66 (1978), these rules were to expire on March 19, 1998. The Commission received comments regarding the process to be followed in designating centers, the provision of planning assistance to the local units of government by the Office of State Planning, and the composition of the committees established by the Commission. The Commission readopted the rules in their entirety without change

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effective February 4, 1998 and to give further consideration of the comments received regarding center designation and the provision of technical assistance by the Office of State Planning.

Pursuant to a petition for rulemaking filed by the Association of New Jersey Environmental Commissions and New Jersey Future, the Commission initiated rulemaking for the purpose of amending the rules relating to the procedures to be followed by the Commission in plan endorsement and to update its current rules adopted on February 4, 1998. In a resolution dated September 27, 2000, the Commission expressed its intent to review its rules. In accordance with the petition, the Commission reviewed its rules and determined that amendments were necessary. The Commission specifically proposed amendments to N.J.A.C. 17:32-1.4, 7 and 8 in May 21, 2001. In response to comments, the amendments were adopted effective January 7, 2002 with substantive and technical changes from the proposal. The substantive changes primarily added additional opportunities for public notice through the Office of State Planning web site and the New Jersey Register. See 33 N.J.R. 1511(a) and 34 N.J.R. 285(a).

The State Planning Act requires that the State Development and Redevelopment Plan be revised and readopted at least three years from its previous adoption, which was March 1, 2001. In preparation for the next round of cross-acceptance and drawing on the lessons learned from the latest cross-acceptance, the Commission intends to review and revise as necessary the State Planning Rules, in their entirety. Due to the rules' expiration date of February 4, 2003, extended to August 3, 2003 by the filing of this

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proposal, there is not enough time to conduct such an in-depth review at this time. The Commission will take up this matter subsequent to the publication of this readoption proposal. However, the Commission is proposing some technical amendments to the rules, amendments to clarify the intent of the rules, specifically in subchapters 7 and 8, and amendments to provide additional public notice of map amendments.

A summary of the text of proposed N.J.A.C. 5:85 and the proposed amendments follows:

Subchapter 1, General Provisions, sets forth general information including the purpose, authority and applicability of the rules, the definitions for the chapter, public participation and technical assistance.

At N.J.A.C. 5:85-1.4, Definitions, two definitions no longer used in the chapter are proposed for deletion: "Preliminary Plan Map" and "State Planning Advisory Committee(s)." The "Office of State Planning web site" definition is corrected."

N.J.A.C. 5.85-1.7 Suspension of Rules or Parts Thereof is proposed to provide the State Planning Commission the opportunity to review new information and data provided by state agencies and to reconcile any differences with the State Plan Policy Map. The Commission may wish to reconcile these differences before it continues to evaluate map amendments through the plan endorsement process (subchapter 7) and the map amendment process (Subchapter 8). Notice will be provided to all interested parties of

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the intent to suspend the rules or parts thereof, as well as any decisions regarding suspension.

Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, establishes a process for the preparation and approval of a preliminary plan that will be the subject of cross-acceptance.

Subchapter 3, Procedures for Conducting the Comparison Phase of Cross-acceptance, establishes procedures for conducting the first phase of cross-acceptance. This subchapter covers the designation of negotiating entities, requirements for cross-acceptance work programs, municipal participation, regional agency participation, public meetings, negotiating entity reports, and municipal reports.

Subchapter 4, Procedures for Conducting the Negotiation Phase of Cross-acceptance, establishes procedures for conducting the second phase of cross-acceptance. This subchapter covers Commission, county, and municipal representation during negotiations, how negotiations will be conducted, and requirements for an impact assessment of the Interim Plan.

Subchapter 5, Procedures for Conducting the Final Review Phase of Cross-acceptance, establishes procedures for conducting the third and final phase of cross-acceptance including required public hearings and opportunities for county and municipal review and comment. This subchapter also establishes a time frame for the adoption of the State Plan.

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Subchapter 6, Letters of Clarification, establishes eligibility for requesting clarifications, subjects for clarification, and procedures for making such a request. The subchapter also provides for a suspension or extension of time frames and stipulates the tenure of clarifications. In N.J.A.C 5:85-6.1(b), an outdated reference to the “Resource Planning and Management Map” is replaced with a reference to the State Plan Policy Map.

Subchapter 7, Voluntary Submission of Plans for Plan Endorsement, establishes purpose, eligibility, public notification requirements, general procedures, basis to determine consistency, monitoring and revocation of plan endorsement, a process for amending endorsed plans and circumstances for the suspension or extension of time frames.

N.J.A.C. 5:85-7.1(d), which provides that petitions for center designation filed before March 1, 2001 be considered under the rules in effect prior to January 7, 2001, is proposed to be deleted since it is anticipated that all complete center petitions shall be considered by the State Planning Commission prior to the readoption of these rules and it is the intention of the Commission to delineate centers in endorsed plans.

At N.J.A.C. 5:85-7.3(e) and elsewhere in the rules, the Commission proposes to clarify that local governments do not have hearings but public meetings.

N.J.A.C. 5:85-7.4(a) is added to provide the documentation required to be submitted for the pre-petition meeting in accordance with the Guidelines for Plan Endorsement adopted by the State Planning Commission

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At N.J.A.C. 5:85-7.4(c)6 and elsewhere in the rules, the Commission proposes to require an electronic copy of petitions to facilitate review by the State agencies.

At N.J.A.C. 5:85-7.5 and elsewhere in the rules, the Commission proposes to clarify that a summary of a petition shall be posted in the New Jersey Register and not a copy of a petition.

At N.J.A.C. 5:85- 7.9, references to N.J.A.C. 17:32 – 7.9, one corrected to reference N.J.A.C. 5:85-7.11.

At N.J.A.C. 5:85-7.10 and 7.11, the proposed amendments clarify the intent of the Commission that the monitoring and revocation of endorsed plans includes designated centers.

Subchapter 8, Amendment of the State Plan Policy Map, defines the official State Plan Map and establishes procedures for amending that map. The subchapter includes eligibility requirements, public notification requirements, and circumstances for the suspension or extension of time frames.

N.J.A.C. 5:85-8.3(a) is added to clarify that the State Planning Commission that the State Planning Commission may initiate map amendments.

N.J.A.C. 5:85-8.4(a) is added to provide that, like for a minor map amendment, for other map amendment petitions, notice shall be provided to property owners if no more than 10 properties are involved.

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N.J.A.C. 5:85-8.5(a) is amended to provide clarification of the documentation required to accompany a petition for map amendments.

N.J.A.C. 5:85-8.5(d) and 8.10(d) are added, and N.J.A.C. 5:85-8.5(e) and (f) are amended, to provide notice requirements when the State Planning Commission initiates a map amendment.

N.J.A.C 5:85-8.8(a) is amended to add that notice of the disposition of a petition for map amendments will also be provided in the New Jersey Register and on the Office of State Planning web site.

The State Planning Commission has provided for a 90-day comment period on this notice of proposed readoption with amendments; therefore, this notice is accepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

N.J.A.C 5:85 has had a beneficial social impact. These rules have provided for an orderly and open process (cross-acceptance) that has led to the completion and adoption of the State Development and Redevelopment Plan, as well as amendment of the State Plan Policy Map. In so doing, the State Planning Rules provide the groundwork for the continuation of cooperative and coordinated planning among all levels of government and the public in New Jersey. This in turn will promote the public health, safety, welfare, and convenience through well-planned, resource-efficient, and beneficial growth and development.

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The extent to which the Plan itself will have social impacts is beyond the scope of N.J.A.C. 5:85, which primarily establishes administrative procedures. However, the overall impact of the State Plan on the economy, environment, fiscal capacity of governments, community life and intergovernmental relations has been assessed by an independent contractor (Rutgers University, Center for the Urban Policy Research). The overall finding of that assessment is found on page 20 of its report, Center for Urban Policy Research, Bloustein School of Planning and Public Policy, Rutgers University. (September 2000), The Costs and Benefits of Alternative Growth Patterns: The Impact Assessment of the New Jersey State Plan, which states the following: “The results of the assessment reveal that the State Plan will offer improvement to the State of New Jersey in almost all of measured indices, and it will be a neutral factor in the remainder.”

The proposed amendments to N.J.A.C. 5:85 have the potential for a beneficial social impact in that they enhance the orderly and open process as provided in these rules.

Economic Impact

The proposed readoption of these rules will not increase or decrease the fiscal impact on municipalities, counties, individuals, or organizations that choose to participate in the procedures established in N.J.A.C. 5:85. Participation in the cross-acceptance process, and petitioning for clarifications, plan endorsement, or map amendments is voluntary. While participation may require the commitment of staff and/or consultant

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resources, the level of effort and expenditures will vary from county to county and from municipality to municipality. Variables such as size (county sizes range from 12 to 70 municipalities), basic interest in the overall planning process, available staff/expertise either in-house or consultant, and complexity of local issues as they relate to the State Plan will all affect the level of effort in a particular jurisdiction. However, it is expected that any fiscal impact experienced by counties and municipalities, as a result of their participation in the cross-acceptance process, is warranted in view of the positive fiscal consequences which will result from the development and adoption of a State Plan and its subsequent refinement.

The overall economic impact of the State Plan was assessed by the Rutgers/CUPR study which made the following finding on page 20 of the report: “the State Plan will save as much as \$2.3 billion in capital costs for local road and sewer infrastructure over the next 20 years and as much as \$160 million per year in reduced fiscal deficits Statewide for municipalities and counties. The State Plan, if carried forth to fruition, will sustain the economy of the State, maintain growth in all regions; redevelop urban communities.”

The rules proposed for readoption with amendments will have negligible fiscal impact on municipalities, counties, individuals, or organizations that choose to participate in the procedures established in N.J.A.C. 5:85. There will be a nominal expense to provide additional paper copies and an electronic copy of a petition for plan endorsement or map amendment(s).

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Federal Standards Statement

No Federal standards analysis is required because the State Planning Rules are authorized by the State Planning Act, N.J.S.A. 52:18A-203 and are not subject to any Federal requirements or standards.

Jobs Impact

The State Planning Rules establish procedures for the voluntary participation of governmental agencies and the general public in the review of the State Development and Redevelopment Plan and for clarifications of and amendments thereto. The economic impact assessment of the State Plan by Rutgers University states in the report on page 21 that “Under the State Plan, jobs will be created in all locations in the State, but especially in locations with the highest rates of unemployment.”

Agriculture Industry Impact

Through the voluntary participation of governmental agencies and the general public in the review of the State Development and Redevelopment Plan, plan endorsement and map amendments as provided by N.J.S.A. 5:85, there will be a positive impact on the agriculture industry, as the State Plan promotes farmland preservation and a viable agricultural industry. According to the assessment of the State Development and

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Redevelopment Plan performed by Rutgers University, as noted on page 1 of the report,

“The (State Development and Redevelopment) Plan scenario will save more than 50 percent of the agricultural lands that otherwise would be lost (under trend).”

Regulatory Flexibility Analysis

The procedures which would be continued under the readoption of these rules and under the proposed amendments are to be utilized on a voluntary, rather than a mandatory, basis. As such, the rules impose no reporting, recordkeeping, or other compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., unless such businesses elect to utilize such procedures. To the extent that small businesses may choose to do so, the rules make no distinction as to the types or sizes of businesses to which they apply.

To the extent that small businesses may elect to utilize such procedures to seek letters of clarification or amendments to the State Plan Policy Map, they may, like all other applicants, incur certain costs in the preparation and submission of such applications. However, since the rules pertain solely to the submission of written petitions, they will not impose any capital costs on such businesses. Further, since petitions need only be submitted once, the rules will not impose any annual compliance costs.

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To the extent that any costs will be incurred by small businesses, or any other applicants, under the rule, such costs will be those associated with compiling and setting forth such information as may be necessary to support a petition. These costs may include costs for legal, planning or engineering services. As noted, however, such costs will only be incurred once, rather than on a recurring basis. Further, such costs will presumably only be incurred where an applicant has determined that the incidence of such costs is warranted on financial or other grounds. Therefore, lesser requirements or exemptions of small businesses are not provided.

Smart Growth Impact

As prescribed by Executive Order No. 4 (2002), it is anticipated that N.J.A.C. 5:85 will have a positive impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan. According to the State Planning Act, New Jersey needs integrated and coordinated planning in order to conserve its natural resources, to revitalize its urban centers, to provide affordable housing and adequate public facilities at a reasonable cost, to promote equal social and economic opportunity for New Jersey's citizens, and to prevent sprawl and promote smart growth through the suitable use of land. In order to prepare and revise the State Development and Redevelopment Plan, the State Planning Commission established an orderly and inclusive

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process for the preparation and approval of a plan known as “cross-acceptance,” which anticipates the full participation of State, county, and local governments. The State Planning Act anticipates that municipal and county master plans and State agency functional plans will be drawn to be consistent with the State Plan. Administrative rules, codes, ordinances, regulations and other devices designed to implement master and functional plans should then be drawn to be consistent with the respective master, or functional, plan(s) of the governing bod(ies), or agency(ies), promulgating such rules, codes, etc. In order to accommodate these review and revision processes the Commission adopted these rules, providing for the State Planning Commission to endorse plans and approve map amendments consistent with smart growth principles and the State Plan.

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Full text of proposed readoption may be found in the New Jersey Administration Code N.J.A.C. 17:32.

Full text of the proposed recodification and amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

[17:32-1.1] **5:85-1.1** Title and citation

This chapter shall be known and may be cited as N.J.A.C. [17:32] **5:85**, [“]State Planning Rules.[”]

Recodify existing 17:32-1.2 and 1.3 as **5:85-1.2 and 1.3** (No change in text.)

[17:32-1.4] **5:85-1.4** Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Consistency" or "consistent" means that a municipal, county or regional plan, or regulation therein, is substantially the same as or has the same effect as the comparable provisions in the State Development and Redevelopment Plan. Said plan or regulation or

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provision has been reviewed for consistency pursuant to N.J.A.C. [17:32-7] **5:85-7** and guidelines adopted by the State Planning Commission.

. . .

“Endorsed plan” means a municipal, county or regional plan which has been approved by the State Planning Commission as a result of finding it consistent with the State Plan, pursuant to N.J.A.C. [17:32-7] **5:85-7** and guidelines for plan endorsement adopted by the State Planning Commission.

. . .

“Interim State Development and Redevelopment Plan” or “**Interim Plan**” means the document, including maps, appendices and other material included by reference, that reflects the changes made in the Preliminary State Development and Redevelopment Plan by the State Planning Commission pursuant to the State Planning Act, N.J.S.A. 52:18A-202.1.

. . .

“Municipal report” means a cross-acceptance report prepared by a municipality and filed with the Office of State Planning pursuant to [N.J.S.A. 17:32-3.10] **N.J.A.C. 5:85-3.10**.

. . .

“Negotiation session” means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity, or municipality that has filed an individual municipal report, engage in a dialogue with the purpose of attaining

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compatibility regarding issues found in reports filed pursuant to N.J.A.C. [17:32-3.9 and 3.10] **5:85-3.9 and 3.10.**

...

“Office of State Planning web site” is [www.njstateplan.com] **www.njsmartgrowth.com**

...

"Period of Cross-Acceptance" means that period of time extending from date of release of the Preliminary State Development and Redevelopment Plan by the Commission to 30 days beyond the last of six public hearings held by the State Planning Commission pursuant to [N.J.S.A. 17:32-5.2a] **N.J.A.C. 5:85-5.2(a).**

...

["Preliminary Plan Map" means a graphic depiction of the boundaries of tiers, as defined in the Plan.]

...

["State Planning Advisory Committee(s)" means a committee organized by the Office of State Planning pursuant to a resolution of the State Planning Commission consisting of individuals and interest group representatives to contribute to the formulation of an effective State Development and Redevelopment Plan through multi-disciplinary, structured discussions.]

[17:32-1.5] **5:85-1.5** (No Change in text.)

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[17:32-1.6] **5:85-1.6** Public participation during the cross-acceptance process

(a) Cross-acceptance is intended to be an open and thorough dialog that involves not only governments but the public at-large as well. The State Planning Commission considers an inclusionary approach to cross-acceptance critical to the success of the process. To that end, each negotiating entity shall provide meaningful opportunities for public participation during cross-acceptance and include a plan for public participation in the work program submitted to the Office of State Planning pursuant to N.J.A.C. [17:32-3.5] **5:85-3.5**. All applicable meetings and hearings during cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) At a minimum, the public may participate in cross-acceptance through the following means:

1. (No change.)

2. Submission of written comments to the State Planning Commission at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C.

[17:32-5.2] **5:85-5.2;**

3. (No change.)

4. Public comment at negotiation sessions conducted pursuant to N.J.A.C. [17:32-4] **5:85-4;**

5.-6. (No change.)

5.85-1.7 Suspension of rules or parts thereof

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The State Planning Commission may determine by resolution to suspend all or any part of N.J.A.C. 5:85-7 and/or 8, except N.J.A.C. 5:85-8.5(d) and 8.8(d), if the State Planning Commission resolves to initiate one or more substantial amendments to the State Plan Policy Map. Written notice to interested parties and notice on the Office of State Planning web site will be provided of the intent of the State Planning Commission to consider suspension of the rules. Notice will be given to interested parties of any action by the State Planning Commission on suspension of the rules or parts thereof by written notice, in the New Jersey Register and on the Office of State Planning web site.

SUBCHAPTER 2. PREPARATION OF A PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

[17:32-2.1] **5:85-2.1** Revising the State Development and Redevelopment Plan

(a) (No change.)

(b) The preparation, approval, and cross-acceptance of a preliminary plan pursuant to these rules notwithstanding, the current State Development and Redevelopment Plan shall continue to constitute the official State Development and Redevelopment Plan until such time as it is revised and readopted by the State Planning Commission in accordance with the State Planning Act and N.J.A.C.

[17:32-5.4(b)] **5:85-5.4(b).**

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Recodify existing 17:32-2.2 and 2.3 as **5:85-2.2 and 2.3** (No change in text.)

SUBCHAPTER 3. PROCEDURES FOR CONDUCTING THE COMPARISON PHASE OF CROSS-ACCEPTANCE

[17:32-3.1] **5:85-3.1** (No change in text.)

[17:32-3.2] **5:85-3.2** Negotiating entities for county and municipal cross-acceptance

(a)-(b) (No change in text.)

(c) In the event that a county transmits a Notice of Waiver or fails to transmit a Notice of Participation within 45 days after the official date of release of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall, pursuant to N.J.S.A. 52:18A-202(b) and N.J.A.C. [17:32-3.4] **5:85-3.4**, designate an appropriate entity, or itself, to assume the responsibility of negotiating entity for cross-acceptance for each such county.

[17:32-3.3] **5:85-3.3** (No change in text.)

[17:32-3.4] **5:85-3.4** Designation of negotiating entity by the State Planning Commission in lieu of county participation

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(a) In the event that a county advises the Office of State Planning that the governing body of the county has determined that the county will not participate in the cross-acceptance process, or fails to respond within the time period specified in N.J.A.C. [17:32-3.2(b)] **5:85-3.2(b)**, the State Planning Commission shall designate an appropriate entity, or itself, to participate in cross-acceptance in the place of the non-participating county, after having first consulted with the entity to be designated and having secured that entity's commitment to participate in the cross-acceptance process.

(b) A county may request designation of a specific entity (including a joint program subject to an intergovernmental agreement) as the negotiating entity for that county within the 45 day notice period in N.J.A.C. [17:32-3.2(b)] **5:85-3.2(b)**.

(c) (No change.)

[17:32-3.5] **5:85-3.5** Cross-acceptance work programs

(a) (No change.)

(b) In the event that the negotiating entity is designated pursuant to N.J.A.C. [17:32-3.3 or 3.4] **5:85-3.3 or 3.4**, the negotiating entity shall submit to the Office of State Planning, within 30 days of the date of designation, a proposed work program.

(c) (No change.)

Recodify existing 17:32-3.6, 3.7 and 3.8 as **5:85-3.6, 3.7 and 3.8** (No change in text.)

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[17:32-3.9] **5:85-3.9** Comparison of the Preliminary State Development and Redevelopment Plan with local and county plans and preparation of a cross-acceptance report

(a) (No change.)

(b) Within six months of the official release of the Preliminary Plan, each negotiating entity shall prepare and file with the State Planning Commission, its municipal planning boards and the planning boards of adjoining counties, a cross-acceptance report. The cross-acceptance report shall present the results of the comparison exercise cited in (a) above in the form specified by the Office of State Planning in the Cross-Acceptance Manual. The cross-acceptance report shall also contain a proposed negotiation agenda for consideration during the negotiation phase as described in N.J.A.C. [17:32-4] **5:85-4**.

(c) – (e) (No change.)

Recodify existing 17:32-3.10 through 3.14 as **5.85-3.10 through 3.14** (No change in text.)

SUBCHAPTER 4. PROCEDURES FOR CONDUCTING THE NEGOTIATION
PHASE OF CROSS-ACCEPTANCE

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[17:32-4.1] **5:85-4.1** Commencement of the negotiation phase:

(a) The negotiation phase of cross-acceptance shall commence on a date specified by the State Planning Commission. Any time thereafter, the State Planning Commission can convene a negotiation session with any county that has submitted a cross-acceptance report in accordance with N.J.A.C. [17:32-3.9] **5:85-3.9**, or any municipality that has submitted an individual report accordance with N.J.A.C. [17:32-3.10] **5:85-3.10**.

(b) (No change.)

(c) All negotiation sessions referenced in N.J.A.C. [17:32-4.5] **5:85-4.5** shall be open to the public.

[17:32-4.2] **5:85-4.2** State Planning Commission representation during the negotiation phase of cross-acceptance

(a) – (c) (No change.)

(d) The Commission may, at its discretion, direct the committee to reconsider a determination made at any given negotiation session as described in the periodic reports referenced in N.J.A.C. [17:32-4.5(c)] **5:85-4.5(c)**.

(e) All determinations made by the Commission's negotiating committee regarding revisions to the Preliminary State Development and Redevelopment Plan and as set forth in N.J.A.C. [17:32-4.6(a)] **5:85-4.6(a)** shall be subject to the approval of the State Planning Commission in the form of an interim plan.

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[17:32-4.3] **5:85-4.3** County representation during the negotiation phase of cross-acceptance

(a) – (b) (No change.)

(c) All determinations made by the county planning board regarding the Preliminary State Development and Redevelopment Plan and as set forth in N.J.A.C.

[17:32-4.6(a)] **5:85-4.6(a)** shall be subject to the action of the county governing body.

The determination will be presumed to be acceptable if the governing body fails to act within 45 days from when the determination was received.

[17:32-4.4] **5:85-4.4** Municipal representation during the negotiation phase of cross-acceptance

(a) Municipalities that are involved in individual negotiation sessions pursuant to N.J.A.C. [17:32-4.1] **5:85-4.1** shall be represented at those sessions by a committee duly authorized by the municipal governing body. A member of the county planning board or member of its duly authorized negotiating committee shall also be present at these sessions.

(b) All determinations made at these sessions by the municipality regarding the Preliminary State Development and Redevelopment Plan and as set forth in N.J.A.C.

[17:32-4.6(a)] **5:85-4.6(a)** shall be subject to the action of the local governing body.

Failure of the governing body to act within 45 days from when the determination was received, will presume the determination acceptable.

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[17:32-4.5] **5:85-4.5** The negotiation process

(a) (No change.)

(b) Negotiation sessions shall be conducted as follows:

1. -2. (No change.)

3. Municipalities that submit individual municipal reports, pursuant to N.J.A.C [17:32-3.10] **5:85-3.10**, may choose to discuss and negotiate the issues presented in their report with the Commission's negotiating committee, with the appropriate negotiating entity represented. Prior to such discussion and negotiations, municipalities shall meet with the staff of the Office of State Planning to identify unresolved issues and to recommend revisions to the Preliminary State Development and Redevelopment Plan requiring negotiation between the committee and the municipality.

(c) (No change.)

[17:32-4.6] **5:85-4.6** Completion of the negotiation phase of cross-acceptance and approval of an Interim State Development and Redevelopment Plan

(a) – (b) (No change.)

(c) The negotiation phase of cross-acceptance shall end with the approval of the Interim Plan by the State Planning Commission. The approval of an Interim Plan notwithstanding, the current State Development and Redevelopment Plan shall continue to constitute the official State Development and Redevelopment Plan until such time as it

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is revised and readopted by the State Planning Commission in accordance with the State Planning Act and [17:32-5.4(b)] **5:85-5.4(b)**.

[17:32-4.7] **5:85-4.7** Impact Assessment of the Interim State Development and Redevelopment Plan

(a) (No change.)

(b) The Impact Assessment shall be distributed to the Governor, the Legislature, and the governing bodies of each county and municipality, and made available to the general public. A period extending from 45 days prior to the first of the public hearings conducted pursuant to N.J.A.C. [17:32-5.2] **5:85-5.2**, to 30 days following the last of those hearings shall be provided for counties, municipalities, and other interested parties to review and respond to the Impact Assessment.

(c) (No change.)

SUBCHAPTER 5. PROCEDURES FOR CONDUCTING THE FINAL REVIEW PHASE OF CROSS-ACCEPTANCE

[17:32-5.1] **5:85-5.1** Commencement of the final review phase of cross-acceptance

(a) (No change.)

(b) The final review phase shall commence on a date set by the State Planning Commission following the Commission's approval of any amendments to the Interim State Development and Redevelopment Plan reflecting changes made by the Commission

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based on their consideration of the Impact Assessment of the Interim Plan pursuant to N.J.S.A. 52:18A-202.1, and N.J.A.C. [17:32-4.7] **5:85-4.7**. Concurrent with the release of the amended Interim Plan, the Commission shall also release, with appropriate amendments, the Interim Infrastructure Needs Assessment, and the Interim Statement of Agreements and Disagreements.

[17:32-5.2] **5:85-5.2** (No change in text.)

[17:32-5.3] **5:85-5.3** County and municipal review and comment during the final review phase of cross-acceptance

(a) Counties and municipalities may submit written comments to the State Planning Commission regarding the effect of the Interim State Development and Redevelopment Plan, or Interim Infrastructure Needs Assessment on the agreements and disagreements reached during the negotiation phase of cross-acceptance, at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. [17:32-5.2] **5:85-5.2**.

(b) Counties and municipalities may submit written comments to the State Planning Commission regarding the Impact Assessment of the Interim State Development and Redevelopment Plan at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. [17:32-5.2] **5:85-5.2**.

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[17:32-5.4] **5:85-5.4** Completion of the final review phase of cross-acceptance and adoption of the State Development and Redevelopment Plan

(a) The final review phase shall end 30 days after the last public hearing conducted pursuant to N.J.A.C. [17:32-5.2] **5:85-5.2.**

(b) Pursuant to N.J.S.A. 52:18A-196 et seq. the State Planning Commission shall adopt a final State Development and Redevelopment Plan no sooner than 30 days and no later than 60 days after the last public hearing conducted pursuant to N.J.A.C. [17:32-5.2] **5:85-5.2.**

[17:32-5.5] **5:85-5.5** (No change in text.)

SUBCHAPTER 6. LETTERS OF CLARIFICATION

[17:32-6.1] **5:85-6.1** Purpose

(a) For the State Development and Redevelopment Plan to serve as a useful guide to officials in both the public and private sectors in making planning and investment decisions, it must be well understood and accurately interpreted. The purpose of this subchapter, therefore, is to enhance this understanding and to assure that clarifications of the State Plan reflect as closely as possible the intentions of the State Planning Commission in its approval of the **State** Plan. This purpose is served by creating a process for these officials and the general public to obtain clarification of these provisions.

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(b) Neither the State Development and Redevelopment Plan nor its [Resource Planning and Management Map] **State Plan Policy Map** is regulatory and neither should be referenced or applied in such a manner. It is not the purpose of this process to either “validate” or “invalidate” a specific code, ordinance, administrative rule, regulation or other instrument of plan implementation.

Recodify existing 17:32-6.2 through 6.5 as **5:85-6.2 through 6.5** (No change in text.)

SUBCHAPTER 7 VOLUNTARY SUBMISSION OF PLANS FOR PLAN

ENDORSEMENT

[17:32-7.1] **5:85-7.1** Purpose

(a)-(c) (No change.)

(d) From January 7, 2002, the petitioners shall delineate centers in endorsed plans, and the State Planning Commission shall designate centers as part of plan endorsement. [Only those petitions for center designation that have been filed with the State Planning Commission before March 1, 2001 will be considered as map amendments under N.J.A.C. 17:32-8 prior to revising map amendments thereto under this rule.

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[17:32-7.2] **5:85-7.2** (No change in text.)

[17:32-7.3] **5:85-7.3** Notification of petition filing

(a)-(d) (No change.)

(e) Before filing a petition for plan endorsement, petitioners shall conduct a public [hearing] **meeting** on the petition for plan endorsement to discuss the plan and planning and implementation agenda and receive and consider public comments thereof.

(f)-(g) (No change.)

[17:32-7.4] **5:85-7.4** Procedures

(a) **Applications for a pre-petition meeting with the state agencies shall be submitted to the Director of the Office of State Planning and shall be accompanied by the following:**

1. Ten copies, and one electronic copy, of the petitioner's plans, reports, land use regulations, supporting documents and maps, which includes as much of the following information that is available or can be conveniently prepared, as outlined in the Plan Endorsement Guidelines adopted by the State Planning Commission including:

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- i. A statement of current planning;
- ii. An inventory of the existing natural and built infrastructure;
- iii. A review of present and projected population, households and employment;
- iv. A report on estimated outcomes of current planning;
- v. A report on existing regulations;
- vi. A vision of the future; and
- vii. A proposed plan of action.

[(a)] **(b)** (No change in text.)

[(b)] **(c)** A petition shall consist of the following:

1. A form, prepared by the Office of State Planning, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner. Said form shall contain the following:

- i. The name and address of petitioner;
- ii. A list of the documents being submitted; **and**
- iii. A certified copy of the resolution adopting the plan(s) being submitted;

2-3. (No change.)

4. Copies of the minutes of the public [hearing] **meeting** where the plan endorsement petition was reviewed and of the meeting at which the petition was

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approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public [hearing] **meeting**;

5. Boundaries of current and proposed SPPM planning areas, centers, cores, nodes, critical environmentally sites and historic and cultural sites, parks and military installations on municipal zoning maps and on draft film at a scale of 1:24,000 and corresponding to U.S.G.S. 7.5 minutes topographic quadrangle maps or in digital files conforming to national standards of 1:24,000 scale accuracy and as provided in guidelines established by the Office of State Planning; [and]

6. Ten copies, [or] **and** one electronic copy, of the petitioner's plan, proposed Planning and implementation agenda, land development regulations, and other supporting materials and implementation measures;

7-9. (No change.)

Recodify existing (c) - (d) as **(d)-(e)** (No change in text.)

[17:32-7.5] **5:85-7.5** Determination of completeness and period of review

(a) (No change.)

(b) In cases where the Director of the Office of State Planning finds that the petition is not complete or has not been submitted in accordance with this subchapter, the Director shall inform the petitioner in writing within 30 days after receipt of the petition of the deficiencies in the petition. If a corrected petition is resubmitted, the petition will be considered in accordance with (c) below. If a corrected petition is not resubmitted

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within 45 days after receipt of the Director's notice, or is resubmitted incorrectly, the petition will be considered withdrawn without prejudice and the petitioner so notified.

No further action by the Director will be taken. The petitioner shall provide notice of withdrawal in accordance with N.J.A.C. [17:32-7.3] **5:85-7.3**.

(c) In cases where the Director of the Office of State Planning finds that the petition is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (b) above, the Director shall send copies of the petition, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency, post a [copy] **summary** of the petition on the Office of State Planning web site and put notice of Director's action on the web site and in the New Jersey Register. This action will provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

(d)-(g) (No change.)

[17:32-7.6] **5:85 – 7.6** Determination of the Director and State Planning Commission

(a)-(g) (No change).

(h) Notice of these actions as provided above in this section shall be provided in accordance with N.J.A.C. [17:32-7.7] **5:85-7.7**.

[17:32-7.7] **5:85-7.7** Public notification of the Director of State Planning or Commission's disposition of plan endorsement

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(a) Within 30 days of their receipt of the Director's or State Planning Commission's notification pursuant to N.J.A.C. [17:32-7.6 and 7.11] **5:85- 7.6 and 7.11**, the petitioner shall provide public notice in the following manner:

1-3. (No change.)

(b) Pursuant to N.J.A.C. [17:32-7.6(g) and 7.11] **5:85 – 7.6(g) and 7.11**, public notice of the action of the State Planning Commission or the Director of the Office of State Planning within 45 days shall be provided in the New Jersey Register and posted on the Office of State Planning web site.

(c)-(d) (No change.)

[17:32-7.8] **5:85- 7.8** (No change in text.)

[17:32-7.9] **5:85-7.9** Period of endorsement

(a) Except as provided under N.J.A.C. [17:32-7.12] **5:85-7.11**, plan endorsement of any municipal plan shall be for a period of six years and endorsement of county and regional plans shall be for 10 years or until readoption of the State Development and Redevelopment Plan, whichever comes first.

(b) Except as provided under N.J.A.C. [17:32-7.12] **5:85-7.11**, State Planning Commission approvals of existing endorsed urban complex strategic revitalization plans, corridor plans and designated centers shall be for a period as provided under (a) above, from January 7, 2002.

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(c) (No change.)

(d) Except as provided under N.J.A.C.[17: 32-7.12] **5:85-7.11**, jurisdictions with designated centers, received in petitions before March 1, 2001, approved under N.J.A.C. [17:32-8] **5:85-8** after map amendments adopted on anticipated date by the State Planning Commission shall be in effect as provided in (a) above from the date of designation by the State Planning Commission.

[17:32-7.10] **5:85-7.10** Monitoring of [plan endorsement] **endorsed plans and designated centers**

(a) The Director of the Office of State Planning shall periodically monitor the status and progress of [plan endorsement] **endorsed plans and designated centers** and the plan endorsement agreement **and/or planning and implementation agenda** during the term of plan endorsement **and/or center designation** and forward all reports to the State Planning Commission.

(b) Municipalities, counties or regional agencies with endorsed plans and/or designated centers approved under this subchapter or under N.J.A.C [17:32-8] **5:85-8** prior to map amendments adopted on anticipated date by the State Planning Commission shall be required to provide [biennial] reports, **biennially** or within six months after a new or revised plan, ordinance or regulation is adopted, to the Director of the Office of State Planning and the general public on the status of their plan endorsement agreement **and/or** planning and implementation agenda efforts. The report submitted to the Director

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shall also include copies of any revisions to the petitioner's plan, reexamination reports, land development regulations, Board of Adjustment reports or other implementation measures adopted since plan endorsement **and/or center designation** by the State Planning Commission or the last report submitted and, in the report, how these items are consistent with the guidelines for plan endorsement adopted by the State Planning Commission and the endorsed plan, **including plans of designated centers, and terms of a plan endorsement agreement and/or planning and implementation agenda.**

(c) If a complaint is received by the Office of State Planning or the State Planning Commission of failure to comply with the terms of **an endorsed plan, including plans of designated centers**, plan endorsement agreement[, endorsed plan] or planning and implementation agenda, the Director of the Office of State Planning shall investigate and report to the State Planning Commission.

[17:32-7.11] **5:85-7.11** Revocation of plan endorsement **and/or center designation**

(a) If at any time the Director finds that a jurisdiction has made substantial changes to or has substantially violated the terms of its endorsed plan **and/or designated center**, planning and implementation agenda or plan endorsement agreement so that its endorsed plan, **and/or designated center**, may be inconsistent with the guidelines for plan endorsement adopted by the State Planning Commission, and the endorsed plan, **plans of the designated centers, or the terms of a plan endorsement agreement and/or planning and implementation agenda**, the Director shall prepare and forward a

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monitoring report to the State Planning Commission recommending that plan endorsement **and/or center designation** be revoked and **where appropriate**, the plan endorsement agreement invalidated and shall inform the petitioner, county representatives and the State Planning Commission in writing of the reasons therefore. If the Director recommends revocation of plan endorsement **or center designation**, notice of said recommendation shall be published in the New Jersey Register and posted on the Office of State Planning web site.

(b) Prior to the Director recommending that plan endorsement **and/or center designation** be revoked, the Office of State Planning shall hold a public hearing in the jurisdiction to receive testimony on the status and progress of the jurisdiction's implementation of the endorsed plan **and/or designated center**. Notice of this hearing shall be provided by the Director of the Office of State Planning in accordance with N.J.A.C. [17:32-7.5(f)] **5:85-7.5(f)**. Copies of the minutes of this public hearing shall include a summary of public comments and copies of written comments filed before, or presented at, the public hearing.

(c) (No change.)

(d) Within 60 days of the issuance of the monitoring report by the Director, the State Planning Commission, or its duly authorized subcommittee, shall review the report of the Director and the basis of findings and recommendations, and the State Planning Commission may act to affirm, amend or revoke plan endorsement **and/or center designation**.

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(e) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, as set forth in (d) above, notify the petitioner and county representatives in writing of the Commission's determination, findings and recommendations regarding the review of the monitoring report on the endorsed plan **and/or designated center** and [, where appropriate,] the plan endorsement agreement **and/or planning and implementation agenda**.

(f) Notice of the action by the State Planning Commission shall be provided in accordance with N.J.A.C. [17:32-7.6(g)] **5:85-7.6(g)**.

[17:32-7.12] **5:85-7.12** Petitions to amend endorsed plans, plan endorsement agreements, and/or planning and implementation agendas, or seeking minor map amendments

(a)-(b) (No change.)

(c) A petition to amend an endorsed plan, plan endorsement agreement and/or a planning and implementation agenda of an endorsed plan shall include, at a minimum:

1-4. (No change.)

5. Copies of the minutes of the public [hearing] **meeting** where the resolution to petition to amend the endorsed plan, plan endorsement agreement **and/or** planning and implementation agenda was reviewed and approved.

The minutes shall include a summary of public comments and copies of written comments filed before or at the public [hearing] **meeting**; and

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6. Ten copies, [or] **and** one electronic copy, of the petitioner's proposed amendment.

(d)-(g) (No change.)

(h) The Director shall publish notice of the petition in the New Jersey Register, put notice of the petition on the Office of State Planning web site and post a [copy] **summary** of the petition on the web site. This action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

(i)-(m) (No change.)

(n) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, or nonaction, as set forth in (l) or (m) above, notify the petitioner and parties to the plan endorsement agreement in writing of the Commission's determination, findings and recommendations regarding the amendment to the endorsed plan, plan endorsement agreement and/or planning and implementation agenda and shall issue a notice pursuant to N.J.A.C. [17:32-7.6(g)] **5:85 –7.6(g)**.

(o) Counties, municipalities and regional agencies with endorsed plans desiring minor map amendments shall follow the procedures established under N.J.A.C. {17: 32-8.7] **5.85-8.7**.

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Recodify existing 17:32-7.13 and 7.14 as **5:85-7.13 and 7.14** (No change in text.)

SUBCHAPTER 8 AMENDMENT OF THE STATE PLAN POLICY MAP

[17:32-8.1] **5:85-8.1** (No change in text.)

[17:32-8.2] **5:85-8.2** Purpose

(a) In most cases, the State Plan Policy Map reflects the intergovernmental consensus arrived at during the cross-acceptance process. While the cross-acceptance process provided sufficient data, coordination and dialogue to prepare the **State Plan Policy Map**, new research, conditions and events may also suggest appropriate changes to the **State Plan Policy Map**. The purpose of this subchapter, therefore, is to create a process for amending the State Plan Policy Map after adoption of the State Development and Redevelopment Plan in order to accommodate such newly discovered or newly important conditions, situations or knowledge that emerge as the State Plan is applied by State and regional agencies, as well as to update the **State Plan Policy Map** as progress is made by municipalities and counties in their own planning, beyond cross-acceptance, for consistency with the State Development and Redevelopment Plan. In addition, it is necessary to address future conditions (planning area changes and designated centers) that evolve through the plan endorsement process. It is the intention of the State Planning

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Commission to endorse consistent plans and to enter into [Plan Endorsement

Agreements] **plan endorsement agreements** with local governments and State agencies for incorporation into future State agency policy decisions.

(b) (No change.)

(c) Individuals, organizations and State agencies considering submitting a petition to the State Planning Commission to amend the State Plan Policy Map are encouraged to submit petitions for a letter of clarification pursuant to N.J.A.C. [17:32-6] **5:85-6**, where the petition to amend may involve a clarification of a provision of the State Development and Redevelopment Plan relative to the geographic area in question.

[17:32-8.3] **5:85-8.3** Eligibility

(a) The State Planning Commission may initiate amendments to the State Plan Policy Map based on new information related to the policies and delineation criteria of the State Plan.

[(a)] **(b)** (No change in text.)

[(b)] **(c)** Municipalities, counties and regional agencies without endorsed plans pursuant to N.J.A.C. [17:32-7] **5:85-7** may not petition for a map amendment under this subchapter unless the map amendment meets the criteria established for a minor map amendment. For minor map amendments, the procedures established under this subchapter shall apply. For any other map amendment, the procedures established by N.J.A.C.[17: 32-7] **5.85-7** shall apply.

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[(c)] **(d)** (No change in text.)

[17:32-8.4] **5:85-8.4** Notification of petition filing

(a) Notice of minor map amendments shall be provided in accordance with N.J.A.C. 5:85-8.4 and 5:85-8.7(b). Notice of all other map amendments shall be provided in accordance with N.J.A.C. N.J.A.C. 5:85-8.4 and 5:85-8.7(b) if the map amendment involves no more than 10 properties.

Recodify (a)-(c) as **(b)-(d)** (No change in text.)

[(d)] **(e)** Except as provided in N.J.A.C. [17:32-8.7] **5:85-8.7**, an individual or organization shall provide notice of their filing of a petition under this subchapter, in two newspapers of general circulation within the county(ies) and municipality(ies) effected by the petition or one newspaper and the petitioner's web site, if available, prior to their submission of a petition to amend the State Plan Policy Map. Notice shall also be sent to the governing body, planning boards environmental commission, utilities authority, board of education, and other boards and authorities as appropriate, of the subject county(ies) and to the governing bodies and planning boards of adjoining states, counties and municipalities.

Recodify existing (e)-(g) as **(f)-(h)** (No change in text.)

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[17:32-8.5] **5:85-8.5** Procedures

(a) Petitions to amend the State Plan Policy Map shall be submitted to the Director of the Office of State Planning, who shall serve as agent for the State Planning Commission in the administration of these rules. **Ten copies and one electronic copy of the petition documentation required under (b)3 and 4 below shall be submitted.**

(b) A petition to amend the State Plan Policy Map shall include at a minimum:

1-4. (No change.).

5. Copies of the minutes for the public [hearing] **meeting** where the map amendment petition resolution was reviewed and of the meeting at which, it was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public [hearing] **meeting**;

6-7. (No change.)

(c) (No change.)

(d) If the State Planning Commission initiates a map amendment, the Director of the Office of State Planning shall notify the appropriate municipal and county governing body(ies) and planning board(s) for their review and comment. If no comment is received within 90 days after mailing said notice, the municipality and/or county shall be deemed to have no comment on the proposed map amendment. The Director of the Office of State Planning shall also put notice that the State Planning Commission has resolved to initiate a map amendment on the

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Office of State Planning web site and in the New Jersey Register. This action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of proposed amendments and actions on the proposed amendments.

[(d)] **(e)** The Office of State Planning shall hold a public hearing in an appropriate jurisdiction to receive testimony on the petition **or map amendment initiated by the State Planning Commission**. Notice of this hearing shall be provided through a press release to two newspapers of general circulation within the municipality, county or region and on the Office of State Planning web site 14 days before the hearing. Ten days before the hearing, the Office shall publish a display ad in one of the newspapers of general circulation. Copies of the minutes of this public hearing shall include a summary of public comments and copies of written comments filed before, or presented at, the public hearing.

[(e)] **(f)** The State Planning Commission may, at its discretion, appoint one or several subcommittees to hear and review petitions **and map amendments initiated by the State Planning Commission**. Except as provided otherwise in this subchapter, only the Commission may act on a petition.

[(f)] **(g)** Upon receipt of a complete petition, the Director of the Office of State Planning shall put notice of the petition on the Office of State Planning web site and in the New Jersey Register and post a [copy] **summary** of the petition on the web site. This

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action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

[(g)] **(h)** (No change in text.)

[(h)] **(i)** All meeting(s) of the State Planning Commission, or its duly authorized subcommittee(s), to consider petitions shall be conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., and opportunity shall be provided to the public at all said meetings to comment on petition(s) being considered prior to action being taken.

[(i)] **(j)** The State Planning Commission or the Director of the Office of State Planning shall consider the complete petition in accordance with this subchapter within a period of 120 days after receipt of the petition, or 210 days in the event a petition is forwarded for municipal or county comment pursuant to (c) above, or in a period of time established pursuant to N.J.A.C. [17:328.9] **5:85-8.9**.

[17:32-8.6] **5:85-8.6** When the Director of the Office of State Planning may disapprove petitions

(a) The Director of the Office of State Planning may disapprove petitions to amend the State Plan Policy Map under the following circumstances:

1. (No change.)

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2. The petition involves land areas that have been the subject of a previous petition submitted and disposed of in accordance with N.J.A.C. [17:32-7] **5:85-7** or this subchapter within the previous six years;

3-4. (No change.)

5. The petition is based on an improper application of, or a misunderstanding of, the role of the State Development and Redevelopment Plan, as described in N.J.A.C. [17:32-8.2(b)] **5:85-8.2(b)**;

6. (No change.)

7. For reasons not anticipated in this rule but, in the judgment of the Director of the Office of State Planning, the petition conflicts with the purposes described in N.J.A.C. [17:32-5.2] **5:85-8.2** for providing this amendment process, in which case the Director shall advise the State Planning Commission to act in emergency and subsequently, but with reasonable speed, to promulgate appropriate amendments to these rules.

(b) (No change.)

[17:32-8.7] **5:85-8.7** Disposition of minor map amendments

(a) The Director of the Office of State Planning may take final action on a petition for a minor map amendment as defined in N.J.A.C.[17:321.4] **5:85-1.4** if the proposed amendment is consistent with the provisions of the State Development and

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Redevelopment Plan and a municipal, county or regional plan endorsed by the State Planning Commission.

(b) Said petitions are subject to all the requirements of this subchapter. In addition to the requirements for notification as provided in N.J.A.C. [17:32-8.4] **5:85-8.4**, notice shall be provided to [property] **owners of property which is the subject of the petition and** all property owners within 200 feet of the boundary of the proposed map amendment and the Director shall put notice of the petition on the Office of State Planning web site and in the New Jersey Register and post a [copy] **summary** of the petition on the **Office of State Planning** web site. This action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

(c)-(g) (No change.)

[17:32-8.8] **5:85-8.8** Notification of disposition

(a) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, notify the petitioner in writing, **and provide notice in the New Jersey Register and on the Office of State Planning web site** of the Commission's disposition of the petition. Within 30 days of receipt of this notice, the petitioner shall provide public notice as follows:

1-5. (No change.)

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(b)-(c) (No change.)

(d) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, provide notice of the disposition of any amendment to the State Plan Policy Map initiated by the State Planning Commission to the appropriate municipal and county governing body(ies) and planning board(s) and provide notice in the New Jersey Register and on the Office of State Planning web site.

Recodify existing 17:32-8.9 and 8.10 as **5:85-8.9 and 8.10** (No change in text.)